

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID HOLLOWAY,

Defendant

CRIMINAL COMPLAINT

Case No. 24-MJ-150-DES

I, Rachel Butler, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about February 16, 2023, in the Eastern District of Oklahoma, DAVID HOLLOWAY, committed the crime of Involuntary Manslaughter in Indian Country, in violation of Title 18, United States Code, Sections 1112, 1151, and 1153.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Rachel Butler, which is attached hereto and made a part hereof by reference.)

Continued on the attached sheet.



Rachel Butler, Special Agent
Federal Bureau of Investigation

Sworn to on May 6, 2024.



D. EDWARD SNOW
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

AFFIDAVIT

1. I, Rachel Butler, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

2. In regard to my background and experience, I have been a Special Agent with the FBI since 2005, and am currently assigned to the Oklahoma City Division, Durant Resident Agency. My current duties and responsibilities include the investigation of possible violations of federal law, including the investigation of Indian Country violations under Title 18, United States Code, Sections 1112, 1151, and 1153.

3. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.

4. The statements contained in this Affidavit are based in part on information provided by other agencies, written reports, independent investigation, and my training and experience as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that David Lee Holloway, date of birth 7/18/1984, committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substances and in part. The following is true to the best of my knowledge and belief.

5. As it will be shown, there is probable cause to believe that David Lee Holloway committed the offense of Involuntary Manslaughter in Indian Country, in violation of 18 U.S.C. §§ 1112, 1151, and 1153.

6. VENUE: The facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specifically, based on the Supreme Court decision in *McGirt*

v. Oklahoma (2020), the below described location is within the reservation boundaries of the Choctaw Nation and therefore within Indian Country.

7. DEFENDANT: The defendant is David Lee Holloway. For purposes of federal jurisdiction, David Lee Holloway is an Indian and is an enrolled member of the Choctaw Nation, with some degree of Indian blood.

8. VICTIM: The victim is D.S.

9. BACKGROUND: On February 16, 2023, at approximately 6:55 p.m., a multi-vehicle collision occurred on Oklahoma State Highway 270, about 1/10th of a mile west of Wilburton, Oklahoma. The collision was located within both Latimer County and the boundaries of the Choctaw Nation and the Eastern District of Oklahoma. It resulted in the death of one individual and injuries to another. The collision was caused by David Lee Holloway (“Holloway”), a member of the Choctaw Nation, with some degree of Indian blood.

10. Just prior to the crash, Holloway was driving his white 2007 Dodge Ram 1500 eastbound down Highway 270. Based on eyewitness accounts, his truck suddenly drifted across the center lane of the two-lane roadway into oncoming traffic. Holloway’s Dodge Ram collided directly with a blue Ford F-150 that was being driven westbound by D.S. J.B. was riding in the passenger seat of D. S.’s vehicle. Neither D.S. or J.B. were wearing seatbelts.

11. The initial collision forced the Ford F-150 into the eastbound lane. A Chevrolet Equinox that was traveling behind Holloway’s Dodge Ram then struck D.S.’s F-150 and caused both occupants of the F-150 to be ejected from the vehicle. Seconds later, a fourth vehicle, a 2007 Nissan that was also traveling eastbound, swerved to avoid crashing into the three vehicles and the crash debris ahead of it. The Nissan ran over D.S., who at that point was laid out on the road.

12. The crash killed D.S. Shortly thereafter, law enforcement officers arrived on scene. An officer that encountered Holloway believed he was showing signs of intoxication. Later that night, during a field sobriety test, Holloway showed signs of intoxication. He went on to consent to having his blood drawn and tested. The blood test revealed that Holloway had methamphetamine, amphetamine and THC, in his system. Holloway has denied being impaired and claimed that D.S.'s truck crossed the center lane and crashed into him. However, the Oklahoma Highway Patrol's investigation determined that Holloway caused the initial collision by driving left of the center lane as a result of being under the influence of drugs.

13. There is probable cause to believe that the cause of the initial collision between Holloway's vehicle and D.S.'s vehicle was Holloway negligently driving left of center, as a result of being under the influence of narcotics. The subsequent collisions were a direct result of the initial collision. Therefore, Holloway's actions caused the death of D.S.

14. The facts presented in this affidavit are not a complete recitation of all the facts known to law enforcement; rather, the Affidavit is solely offered to establish probable cause for the crime presented in this Affidavit.

CONCLUSION

15. Based on a review of this case and based on my knowledge and experience with violent crimes in Indian country, I, as your Affiant, have probable cause for the issuance of an arrest warrant for David Lee Holloway for committing the offense of Involuntary Manslaughter in Indian Country, in violation of 18 U.S.C. §§ 1112, 1151, and 1153, within the Eastern District of Oklahoma.

Respectfully submitted,



Rachel Butler
Special Agent
Federal Bureau of Investigation

Sworn to on May 6, 2024.



United States Magistrate Judge